

II. REMARKS/ARGUMENT

Applicants hereby respond to the Office Action mailed August 24, 2010. In the Office Action, the patent examiner concluded that claims 1-3, 6-12, 14-17, and 27 were allowable. The examiner rejected claims 18, 20-24, and 28-29, taking the position that the claimed subject matter as recited was non-statutory.

In response to the rejection of claims 18, 20-24, and 28-29 on “non-statutory” subject matter grounds, Applicants’ representative, Kelly W. Cunningham, Esq., held a telephonic interview with the examiner on November 10, 2010. The examiner stated that, in his opinion, the rejected claims could be rewritten to patentable form but that, rather than enter an Examiner’s Amendment, he would like Applicants to submit the amended claims to be certain that there is agreement on the amended language. Applicants therefore amend these rejected claims to explicitly recite that the computer-readable storage medium is non-transitory, as recommended by the examiner, and note that support for this amendment is found throughout the specification, including, but not limited to, Paragraph [0023] and Figure 1.

Applicants also add new claims 30-37. These newly added claims are similar to existing claims 18, 20-24, and 28-29, as amended herein, but clarify that the computer-executable instructions provided the mechanism for performance of many of the recited elements. Applicants note that support for this amendment is found throughout the specification, including, but not limited to, Paragraph [0011].

III. CONCLUDING REMARKS

With entry of this Response, claims 1-3, 6-12, 14-17, and 27 remain unchanged; 4-5, 13, 19, and 25-26 remain cancelled; claims 18, 20-24, and 28-29 are amended; and claims 30-37 are newly added. Applicants make all of the foregoing amendments and add the foregoing new claims without prejudice to any other claims herein or any claims in any future or pending patent application covering the same or similar subject matter. Applicants do not introduce any new matter by way of any of the foregoing amendments or newly added claims.

Having responded to each of the Examiner’s concerns, Applicants assert that the application is now in condition for immediate allowance and solicits such action. If a telephonic interview might advance the examination or allowance of the application, enabling an Examiner’s Amendment or other meaningful discussion of the case, Applicants request the examiner contact Applicants’ representative at the number listed below.

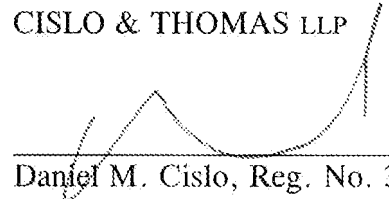
Application No. 10/802,086
Amendment dated November 19, 2010
Response to Office Action mailed August 24, 2010
Attorney Docket No. 10-24297

Applicants submit with this response authorization for the Patent Office to charge the requisite fee for the newly-added claims and Applicants do not believe any additional fees are due. In the event any additional fees are due, however, the Examiner is authorized to charge Applicants' attorney's deposit account no. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: November 19, 2010



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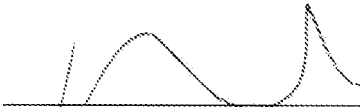
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CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this document, RESPONSE TO OFFICE ACTION, is being filed with the United States Patent and Trademark Office on November 19, 2010 as follows.

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- ☐ **BY FIRST CLASS MAIL:** This paper is being deposited with the United States Postal Service with sufficient postage as first class mail to the foregoing addressee.
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